

### **REMARKS**

The present invention is directed to a suction valve for a small hermetic compressor which includes a flexible vane constructed to provide minimum rigidity obtained from a sheet of metal with a smaller thickness, without impairing its resistance to bending and to bending fatigue. The construction of the vane, as defined more specifically in new claim 10, provides that the opening forces acting against the sealing end portion of the vane results in the distribution of stresses along the higher bending portion of the vanes, thereby avoiding the stress concentration of the opening forces in the region adjacent the fixed end portion of the vane and the shortening of the working life of the valve by bending fatigue of the vane.

Previous claims 1, 4, 5, 6, 8 and 9 were rejected by the Examiner as indefinite as per 35 U.S.C. 112 or unpatentable under 35 U.S.C. 102 or 35 U.S.C. 103.

Claims 1 and 4 have been cancelled. Claim 10 has replaced Claim 1 and the remaining claims, 5, 6, 8, and 9, have been amended to avoid the indefiniteness rejection and to depend from Claim 10. New Claim 11 has been added and also depends from Claim 10

Claim 10 defines the construction of the suction valve of the present invention with specificity and in a manner not taught by the art relied upon by the Examiner to reject previous claim 1.

In rejecting the previous claims, the Examiner relied principally on the MacBain reference. MacBain does not show Applicant's specifically configured vane and does not disclose the advantages of the configuration as taught by Applicant. The Examiner has used hindsight to reject Applicant's claims.

An example of the use of hindsight by the Examiner can be seen in the rejection of previous Claim 1 where to find a teaching of the limitation defining that the distance between an external edge of the flexible vane and its adjacent internal edge portion of the median opening diminishes more rapidly in a first portion the Examiner found that his configuration is “implied by the steep decline in the first portion as compared to the gradual in the second portion” of the vane in the MacBain reference

The construction as defined in Claim 10 is not taught by the MacBain reference, but the Examiner contends that it is “implied” by a construction which is quite different from the construction defined in the claim.

There is no teaching, nor is there any “implication” which would be apparent to one with ordinary skill in the art which would lead one to the construction of the vane as defined in claim 10 and the results obtained from that construction. Claim 10 is allowable over the references of record

Claims 5, 6, 8, 9 and 11 depend from Claim 10 and are allowable with Claim 10.

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Respectfully submitted,

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